IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 4945 OF 2005

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

Mr.M.S.Karnik with Ms. P.P. Tendulkar for the petitioners

CORAM : F.I. REBELLO,J.
DATED : 18th October,2005
P.C.

. On discovery of subsequent facts the Insurance Company applied for amendment of the written statement. That has been allowed. That is the subject matter of the present petition.

2. It is submitted on behalf of the petitioners that when the Insurance Company filed written statement in para.10 it was set out that the vehicle had a valid insurance policy. By the amendment that admission is sought to be taken away. Considering the amendment it really is not taking away the admission. All that is set out is that the policy was taken on 11th February, 1999. The incident took place on

11th February, 1999 at 12.30 noon and the policy was taken at 4.15 p.m. i.e. after the accident. If the Insurance Company has discovered all these facts subsequently it cannot be said that the admission in favour of the petitioner has been withdrawn. In the light of that this would not be a fit case for this Court to exercise its extra ordinary jurisdiction. Petition rejected.

(F.I. REBELLO J).